

BEFORE THE IDAHO BOARD OF TAX APPEALS

IN THE MATTER OF THE APPEAL OF LEE AND ) APPEAL NO. 06-A-2115  
KAY PERKINS TRUST & LAZY P LEGACY CORP ) FINAL DECISION  
from the decision of the Board of Equalization of ) AND ORDER  
Boise County for tax year 2006. )

**RESIDENTIAL PROPERTY APPEAL**

THIS MATTER went before the Board in written form. Board Members Lyle R. Cobbs and David E. Kinghorn participated in this decision. Kay Perkins represented Appellant. County Assessor Brent Adamson represented Respondent Boise County. This appeal is taken from a decision of the Boise County Board of Equalization denying the protest of the valuation for taxing purposes of property described as Parcel No. RP09N09E187350A.

**The issue on appeal is the market value of a residential property.**

**The decision of the Boise County Board of Equalization is affirmed.**

FINDINGS OF FACT

The assessed land value is \$29,810, and the improvements' valuation is \$137,420, totaling \$167,230. Appellant requests the land value be reduced to \$25,380, and the improvements' value reduced to \$115,220, totaling \$140,600.

The subject property is a 4.25 acre residential hillside lot with a 2,016 square foot 1976 cabin built thereon. Subject is located in the Lowman area in Boise County, Idaho.

Appellant challenged subject's assessment on the grounds that the cabin structure is approximately 32 years old and the remaining land is located on a steep hillside that is unfit for building any other structures.

Further Appellant contacted a realtor, who reported no sales of properties sized between 2 acres and 5 acres in subject's immediate area for the prior three years. Appellant also mentioned articles in several newspapers "about slumping home sales forcing lower prices."

Respondent provided three sales from subject's area. Respondent stated that only sales from the two adjoining neighborhoods referred to as "920" and "930" were considered, not properties from other parts of the county. The record was unclear as to which of these neighborhoods subject was located in. It was noted that of the 1,318 parcels located in the two neighborhoods, 97% of the lots were less than four acres in size and only .4% of the lots were between four and six acres. The sales occurred in 2004 and 2005 for lots sized between .29 acres and .38 acres, with homes varying in size between 1,016 and 1,361 square feet. The prices ranged from \$80,000 and \$104,000 for both the residence and land. Respondent commented that subject's land was approximately twelve times the size of the sales and the cabin structure was nearly two times larger.

Respondent observed that subject's one-acre homesite was assessed for \$20,000, while the remaining 3.25 acres of the hillside land were only assessed a total of \$4,810.

#### CONCLUSIONS OF LAW

This Board's goal in its hearings is the acquisition of sufficient, accurate evidence to support a determination of fair market value. This Board, giving full opportunity for all arguments and having considered all testimony and documentary evidence submitted by the parties in support of their respective positions, hereby enters the following.

Assessing property for the purpose of taxation, Idaho prescribes the market value standard as defined in Idaho Code § 63-201(10):

"Market value" means the amount of United States dollars or equivalent for which, in all probability, a property would exchange hands between a willing seller, under no compulsion to sell, and an informed, capable buyer, with a reasonable time allowed to consummate the sale, substantiated by a reasonable down or full cash payment.

“The value of property for purposes of taxation determined by an assessor is presumed correct, and the burden of proof is on the taxpayer to show by [a preponderance of the] evidence that the taxpayer is entitled to the relief claimed.” Merris v. Ada County, 100 Idaho 59, 64, 593 P.2d 394, 399 (1979); Ada County v. Sears, Roebuck & Co., 74 Idaho 39, 46-47, 256 P.2d 525, 530 (1953).

Appellant believed subject’s assessment was too high based on information garnered from newspaper articles and from a realtor who found no sales of properties in subject’s immediate area that were of comparable land size.

Respondent presented three sales from the area and noted that the reason for the lack of sales for properties with subject’s land size was because lots that large were scarce in the area.

While the sales provided involved properties smaller than subject, they are useful to establish a basis from which to derive value. Nothing was presented to rebut Respondent’s sales, nor was an attempt made to otherwise differentiate subject. It appears that consideration was given to the topography of subject. From the evidence submitted in this matter, the Board has determined that subject’s assessment was fair and reasonable and therefore, affirms the decision of the Boise County Board of Equalization.

#### FINAL ORDER

In accordance with the foregoing Final Decision, IT IS ORDERED that the decision of the Boise County Board of Equalization concerning the subject parcel be, and the same hereby is, affirmed.

DATED this 27th day of April 2007.

